

REMARKS

SUMMARY

Reconsideration of the application is respectfully requested.

Claims 1-22 remain in the application and are subject to examination.

Applicants appreciatively acknowledge the Examiner's consideration and acceptance of the drawings filed on September 28, 2005.

Applicants appreciatively acknowledge the Examiner's confirmation of receipt of Applicants' claim for priority under 35 U.S.C. § 119(a)-(d).

SPECIFICATION OBJECTIONS

In "Specification," item 1 on page 2 of the above-identified Office Action, the Examiner objected to the abstract of the disclosure because Applicants provide the PCT WO 2004/091107, which the Examiner states is not acceptable. The Examiner has required that the Applicants submit a new abstract with a label as 10/551,253. A corrected abstract has been submitted.

In "Specification," item 2 on page 2 of the above-identified Office Action, the Examiner objects to the information provided under Related Applications, pages 1-2. The corrections required by the Examiner have been made.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102

In "Claim Rejections – 35 USC § 102," item 4 on page 2 of the above-identified Office Action, claims 1-3 and 5-11 have been rejected as being fully anticipated by U.S. Patent No. 6,236,326 to Murphy (hereinafter "Murphy") under 35 U.S.C. § 102(b). Applicants respectfully traverse.

Claim 1 of the present invention requires a mobile communication device comprising, *inter alia*, logic operatively coupled to the components to monitor and receive said reporting, to identify user wellness verification conditions based at least in part on said reporting or absence of said report, and to solicit, in response to each identification, a user of the mobile communication device to verify wellness of the user.

Murphy shows a method and apparatus for monitoring the energy level of a wireless telephone's rechargeable battery. When the battery nears depletion while the telephone is in use, a voice notification is provided to the remote party indicating that termination of the call due to battery depletion is imminent. If a call is not in progress when the energy level nears depletion, the wireless telephone automatically forwards incoming calls to another number. See Abstract.

Murphy does not disclose logic coupled to the components to solicit a user of the mobile device to verify wellness of the user. Rather, once Murphy detects a low battery condition, battery monitor circuit 25 signals voice data control circuit 23 which retrieves from memory 24 a prerecorded message that is transmitted by transmitter 28 to be played to the remote party to whom the user is speaking. See Fig. 1; Col. 3, line 48– col. 4, line 16. The prerecorded message may be programmed into the wireless telephone's memory during manufacture or previously recorded into memory by the user. See Col. 4, lines 18-22 and 45-48. No verification is solicited from the user.

In another embodiment disclosed by Murphy, when the wireless telephone phone is not in use, battery monitor circuit 25 detects a low battery condition, signals wireless telephone controller 27 which initiates a connection with the wireless telephone network and transfers a previously programmed forwarded number to the network, enabling call forwarding. Calls placed to the user's wireless telephone thereafter are automatically redirected by the telephone network to the forwarding number. See Fig. 2; Col. 4, line 63– col. 5, line 27. Again, no verification is solicited from the user.

Murphy does not show logic to solicit a user of the mobile communication device to verify wellness of the user as recited in claim 1 of the instant application. Once a low battery condition is detected, the remaining steps of Murphy's method are carried out without soliciting user input.

Accordingly, at least for the foregoing reasons, Murphy fails to teach at least the recited logic to solicit, in response to each identification, a user of the mobile communication device to verify wellness of the user. Therefore, claim 1 is patentable over Murphy.

Claims 2-3, and 5-11 depend from claim 1, incorporating its limitations. Thus, for at least the reasons stated above, claims 2-3, and 5-11 are patentable over Murphy.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

In “Claim Rejections – 35 USC § 103,” item 6 on page 5 of the above-identified Office Action, claim 4 has been rejected as being obvious over Murphy in view of U.S. Patent No. 5,731,757 to Layson, Jr. (hereinafter “Layson”) under 35 U.S.C. § 103(a).

Claim 4 depends from claim 1, incorporating its limitations. Layson does not remedy the deficiencies of Murphy, namely the proposed combination of references fails to show logic to solicit, in response to each identification, a user of the mobile communication device to verify wellness of the user. Therefore, claim 4 is patentable over the proposed combination of Murphy in view of Layson.

In “Claim Rejections – 35 USC § 103,” item 7 on page 6 of the above-identified Office Action, claims 12-18 and 20-22 have been rejected as being obvious over Murphy in view of U.S. Patent No. 5,383,091 to Snell (hereinafter “Snell”) under 35 U.S.C. § 103(a).

Claim 12 contains in substance at least the same limitations as claim 1. Snell does not remedy the deficiencies of Murphy, namely the proposed combination of references fails to show logic to solicit, in response to each identification, a user of the mobile communication device to verify wellness of the user. Snell discloses a grip and protective casing made of elastomeric material for a cellular telephone. Snell does not disclose any logic, including logic to solicit, in response to each identification, a user of the mobile communication device to verify wellness of the user as recited in claim one of the instant application.

Further, neither reference, either alone or in combination, shows one or more components embedded in the cover body ... to at least contribute to enabling the mobile device to monitor and receive reporting events” The casing in Snell has no components to enable any functions of the mobile device.

Finally, there is no motivation to combine Murphy and Snell. Neither reference, nor any knowledge generally available to one of ordinary skill in the art suggests modifying Murphy’s method and apparatus for monitoring the battery level of a wireless telephone’s rechargeable battery with Snell’s elastomeric grip and protective casing. The examiner indicates the motivation to modify Murphy with the teaching of Snell is “to protect or secure the telephone device from scratching or damaging and serving cushion the telephone impact when it set down or dropped.” This combination does not address any disadvantage in Murphy, nor is it pertinent to the problem at which the present invention is aimed.

Thus, for at least the foregoing reasons, claim 12 is patentable over the proposed combination of Murphy in view of Snell.

Claims 13-18 and 20-22 depend from claim 12, incorporating its limitations. Therefore, for at least the reasons stated above, claims 13-18 are patentable over Murphy in view of Snell.

In “Claim Rejections – 35 USC § 103,” item 8 on page 9 of the above-identified Office Action, claim 19 has been rejected as being obvious over Murphy in view of Snell and in further view of Layson under 35 U.S.C. § 103(a).

Claim 19 depends from claim 12, incorporating its limitations. The proposed combination of Murphy in view of Snell in further view of Layson does not remedy the previously discussed deficiencies of Murphy, namely the proposed combination of references fails to show logic to solicit, in response to each identification, a user of the mobile communication device to verify wellness of the user. Therefore, claim 19 is patentable over the proposed combination of Murphy in view of Snell in further view of Layson.

CONCLUSION

In view of the foregoing, reconsideration and allowance of claims 1-22 is solicited. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1509. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,
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